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Fijnaut, C.J.C.F.

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LOOKING AT POLICING: A VIEW FROM THE CONTINENT

Commentary by

Cyrille Fijnaut
 Centre for Integrated Penal Science
 Erasmus University, Rotterdam

1. Introduction

It is not an easy task to provide convincing comments on Joanna Shapland's and Dick Hobbs' paper, 'Looking at Policing', if only because detailed attention is paid in this paper to past research and to research which ought to be conducted in the future. But another problem is that I can easily agree with many of the remarks and comments which they make regarding the background to the problem, the conduct of certain studies, the development of the relationship between government and academia and how to conduct research, and the justification of the choice of priorities in future research policy.

Nevertheless, having been asked to provide a critique of this excellent paper, I diligently set to work. I finally reached the conclusion that it would be best to list my comments as such.

In the first place, I felt that it was necessary to follow their line of thinking - as it were, to discuss their view of the present situation and future possibilities on the basis of my knowledge of research into the police in Great Britain and of the history, current organisation and actual functioning of the British police. I felt that I was justified in doing so - and still feel that I am - since I have made three similar, extensive, comparative investigations in the past ten years.¹

In the second place, I deemed it fitting to place Joanna Shapland's and Dick Hobbs' views in a European framework and, in particular, to make some comments on the position of British research into the police and similar research being conducted in general in Western Europe. Not only does the international character of this conference invite this perspective, but my own international approach to police research almost demands it. At a time when the internationalisation of the police is increasing faster than ever before - at least since the French Revolution - 'confinement' of research within country borders is absolutely unthinkable.

1. Fijnaut, C. (1979), *Opdat de macht een toevlucht zij? Een historische studie van het politieapparaat als een politieke instelling*. Antwerp: Kluwer Rechtswetenschappen, 2 vols.; Fijnaut, C., Nuijten-Edelbroek E.G.M. and Spickenheuer J.P.L. (1985), *Politie misdaadbestrijding: de ontwikkeling van het Amerikaanse, Engelse en Nederlandse onderzoek aangaande politie misdaadbestrijding sedert de jaren '60*. The Hague: Staatsuitgeverij; Fijnaut, C. (1987), *De toelating van raadsleden tot het politie verdachtenverhoor*. Arnhem: Gouda Quint.

2. Through a British looking-glass

(a) Definition of the subject

If I place myself in the position of a British researcher, it soon becomes apparent that the subject under discussion has been defined in a rather restricted manner - too restricted, in my opinion.

More specifically, let me say first that, without any explanation, the authors only discuss research relating to the general, traditional, police service. There is certainly something to be said for this type of approach, because, for example, this is by far the most obvious kind of policing and has been subject to the most research. But in the light of the developments made in policing since the second World War, there is still much that can be said against this limitation, particularly since so much has been published in this country about other and newer forms of policing. Let me be more specific: in this paper I note the lack of publications on the internal organisation and functioning of the political intelligence services, their history, their role in national and international politics, etc.² It is also a pity that no mention is made of other special police services, such as the inspection services, which are offered on the Continent.³ Another shortcoming is that no attention is paid to literature on the origin, scope, duties, etc. of the various types of private police service.⁴

Secondly, I was very surprised that only literature on the English police is discussed in this paper. In other words, no mention is made of publications about the police in Scotland and especially noticeable is the absence of works about action taken by the police and the army in Northern Ireland against extremists. The omission of these publications is strange not only if we consider how the actions of the British police in this territory determine the way in which they are seen internationally, but also because the issue of Northern Ireland and the British government's approach to it exerts a strong influence on the

2. I shall limit my reference to: Bunyan, T. (1976), *The History and Practice of the Political Police in Britain*. London: Julian Friedmann Publishers; West, N. (1983), *M15: British Security Service Operations 1909-1945*. Reading: Triad Paperbacks; West, N. (1983), *M15 1942-1972: a Matter of Trust*. Sevenoaks: Hodder and Stoughton.

3. It would suffice to refer to the well-known book by W.G. Carson (1982), *The Other Price of Britain's Oil*. Oxford: Martin Robertson. But see also the articles by M. Clarke; for example, 'Prosecutorial and Administrative Strategies to Control Business Crime: Private and Public Roles', in C.D. Shearing and P.C. Stenning (eds.) (1987), *Private Policing*. London: Sage Publications, 266-292.

4. In particular the paperback by H. Draper (1978), *Private Police*, Harmondsworth: Penguin Books, which is well-known on the Continent. Also recommended are works by R. Clutterbuck - for example, his recent book (1987), *Kidnap, Hijack and Extortion*. Houndmills: Macmillan Press.

organisation of the police in England, especially that of the Metropolitan Police.⁵

Thirdly, I feel that in a review where police policy and the corresponding adjustment of research policy plays a fairly central role, the authors have made too restricted a choice from the available literature. In my opinion, more attention ought to have been paid to the reports of the many Commissions which have, in the distant and recent past, dealt wholly or in part with police issues, and to the numerous autobiographies written by prominent Chief Constables over the years.⁶ As bases for the formulation of police executive policy, and for discussion of future research policy, these two kinds of publication do have major significance.

(b) *An analysis of the research*

Reading on, I come to the authors' analysis of the research that has been carried out.

The way the analysis is formulated and the aspects of research which it incorporates undoubtedly give a view of the situation which can be easily defended. Various essential points in the research are clearly described. The leading authors and many important studies receive the attention they deserve. And so on. Nevertheless, I do have difficulties with this analysis. Firstly, because it is unclear by which criteria the selection is made and according to which criteria the available literature is chosen. Secondly, on the basis of my knowledge of developments and the present situation in various countries, I would certainly have placed the emphasis elsewhere.

I feel that the research is overrated from a management point of view. Without wishing to devalue the work of R. Morgan, M. Hough, and R. Wilkie, it is still the case that many British publications in this field have little or nothing to do with any form of scientific research. So it is self-evident that 'I wholeheartedly agree with Shapland and Hobbs' appeal for a greater distance between government and academia.

The attention paid by the authors to research into the police subculture and the job of policeman is, I feel, fully justified. And here

5. I refer to: Ackroyd, C., Margolis K. et al (1977), *The Technology of Political Control*. Harmondsworth: Penguin Books; Taylor, P. (1980), *Beating the Terrorists? Interrogation in Omagh*, Gough and Castlereagh. Harmondsworth: Penguin Books; Rose-Smith, B. (1979), 'Police Powers and Terrorism Legislation', in P. Hain (ed.), *Policing the Police*, 1: 105-162, London: John Calder.
6. On the subject of Commissions, I refer not only to the reports by the Royal Commission on Police Powers and Procedure (1929) and the Royal Commission on Criminal Procedure, but also to those by, for example, the Criminal Law Revision Committee (1972) and the Committee of Inquiry into Police Interrogation Procedures in Northern Ireland. Well-known autobiographies are those by Mark, R. (1978), *In the Office of Constable*, Glasgow: William Collins; and McNee, D. (1983), *McNee's Law*, London: William Collins.

I am thinking not only of the number of pages which they devote to this type of research, but more especially of the qualities which they ascribe to it.

However, I do consider that studies into the relationship between the police and the public are under-rated. At least, this type of research, when seen in the light of the importance of this relationship to society, is insufficiently emphasised because the paper is too deeply immersed in the afore-mentioned research into the actual work of the police. Of course, the studies by M. Banton, M. Cain, and others do prompt this. But we ought surely not to ignore the research that has been almost entirely devoted to the relationship between the police and the public, especially the ethnic minority groups. In this respect I refer to J.R. Lambert's study of 1970, up to and including that of D.J. Smith and J. Gray in 1985, and to the publications in between by M. Banton, M. Cain, C.F. Willis, M. Tuck and P. Southgate, W. Belson, P. Gordon, and others.⁷

Shapland and Hobbs rightly elaborate on research in which both the history of the English police as well as its position in the governmental system is described. The judgment they make on this research is also something that I would certainly not wish to belittle. Nevertheless, I do not feel that they pay enough attention to research that has been conducted in the recent past on these two topics. They thus undervalue the work of many professional historians, for example, D. Jones, B.J. Davey, and C. Steedman, who have done in-depth work on the history of the English police in the nineteenth century.⁸ Professional lawyers, who in the past have been involved in the problems of police powers, are also insufficiently considered in their introduction.⁹ The

7. In addition to the publications cited by Shapland and Hobbs, I am thinking in particular of: Lambert, J.R. (1970), *Crime, Police and Race Relations: a Study in Birmingham*. London: Oxford University Press; Banton, M. (1973), *Police Community Relations*. London: William Collins; Belson, W.A. (1975), *The Public and the Police*. London: Harper and Row; Tuck, M. and Southgate, P. (1981), *Ethnic Minorities, Crime and Policing: a Survey of the Experiences of West Indians and Whites*. London: HMSO; Gordon, P. (1983), *White Law: Racism in the Police, Courts and Prisons*. London: Pluto Press; Willis, C.F. (1983), *The Use, Effectiveness and Impact of Police Stop and Search Powers*. London: Home Office; Smith, D.J. and Gray, J. (1985), *Police and People in London*. Brookfield: Gower.
8. Davey, B.J. (1983), *Lawless and Immoral: Policing a Country Town*. Leicester: Leicester University Press; Jones, D.J. (1982), *Crime, Protest, Community and Police in Nineteenth-Century Britain*. London: Routledge and Kegan Paul; Steedman, C. (1984), *Policing the Victorian Community: the Formation of English Provincial Police Forces, 1856-1880*. London: Routledge and Kegan Paul.
9. Here we could include: Mirfield, P. (1985), *Confessions*. London: Sweet and Maxwell; Robillard St.J.A. and McEwan J. (1986), *Police Powers and the Individual*. Oxford: Basil Blackwell; I could also mention commentaries on the PACE, such as: Bevan, V. and Lidstone, K. (1985), *A Guide to the Police and Criminal Evidence*

authors have allowed themselves to be led, and perhaps misled, by what others who are mainly social scientists have put forward on the history and the powers of the English police.

But I totally agree with their appeal to prevent the fragmentation of police research - by discipline and subject - and to strive towards more integrated studies in this field. Not only do I agree with it because I have become convinced of its importance over the years and have repeatedly mentioned it in research, but because a more integrated view of police research would be more interesting, theoretically speaking, and much more useful to society.¹⁰ One question which therefore cannot be avoided in this connection is the general framework within which integrated police research must be placed. Should an attempt be made to find something similar to the German tradition of *Polizeiwissenschaft*, or to American *police science*, which is based on this but has had a rather different evolution?

(c) *Priorities for future research*

In the second half of their paper, Shapland and Hobbs rightfully contribute to the debate about the priorities for future research. Naturally, the proposals they put forward give a hint of the criteria, points of reference, and the context which lies behind their own preferences. Even though these are not made explicit, I can still agree with them for the most part on the basis of the problems of the British police and of the status of English police research. Their appeal for the intellectual upgrading of research into the effectiveness of police actions is one with which I particularly agree.

Nevertheless, for the sake of this discussion, I would like to focus on other possible priorities.

In the first place, I believe that more and more research ought to be conducted into the development of British police organisation in general. On the one hand there is increasing centralisation - nationalisation - of the system: what are the reasons? what circumstances are involved? what are the political, administrative and operational implications? On the other hand, there is increasing differentiation and specialisation within the organisation of the forces: for which problems do these developments provide a solution? what are the consequences for operational and political control of the police system? what are the repercussions as regards social interaction within the forces and between the police and the public? I feel that these topics are in themselves sufficient to warrant further research, judging by the publications which have appeared in the past few years about police actions in public order.¹¹

Act 1984. London: Butterworths; Zander, M. (1985), *The Police and Criminal Evidence Act 1984*. London: Sweet and Maxwell.

10. See Fijnaut, C. (1983), 'Over de traditie van de politiewetenschap in West-Europa', in C. Fijnaut and P. van Reenen (eds.), *Theoretische opstellen rondom de politie*. Apeldoorn: Nederlandse Politie Academie, 21-42.
11. See, for example, Coulter, J., Miller S. and Walker, M. (1984), *State of Siege: Miners' Strike 1984: Politics and Policing in the*

Secondly, I would like in particular to accentuate the need for research into pro-activating the police in relation to the prevention of organised crime and political terrorism.¹² Besides transforming the English police with an eye to an improvement (?) in the prevention of public disorder, pro-activation seems to me to be another very important development. Research into this should naturally not only be aimed at the evolution and problem of, for example, the special units responsible for surveillance, gathering information, developing technical equipment, etc., but should very specifically consider the legal basis and boundaries of their actions, the consequences of their actions with regard to contacts with the legal profession and the magistrature, and their relationship with military intelligence services and private investigation organisations (e.g. Control Risks Ltd).

Thirdly and lastly, may I suggest that it would be very useful to promote comparative research into developments in policing in Great Britain and on the Continent.¹³ I know from experience that there are some British (and Irish) scientists who are interested in such research; many have found their way to Rotterdam in the past years. And I find their interest totally appropriate. Not only because they would be carrying on a long tradition of the police in English literature (we need only remember the books by C. Reith), but because they would simply be doing what the British police is doing increasingly in its own way: studying what is happening in other countries. And it is clear that, as the unification of Western and Southern Europe progresses, giving more weight to consultations about international security in these areas in the Council of Europe and the EEC (TREVII), comparative research must also gain in significance.¹⁴

3. A view from the Continent

These last remarks lead me to the third and much shorter section of my commentary: a consideration of the position of British police research in Western Europe. In my earlier remarks I have obviously already made implicit comparisons here and there between British research and research conducted on the Continent in the past years. It is now time to be more explicit.¹⁵

Coal Fields, London: Canary Press; and Fine, B. and Millar R. (eds.) (1985), *Policing the Miners' Strike*, London: Lawrence and Wishart.

12. Refer, for example, to Cox, B., Shirley, J. and Short, M. (1977), *The Fall of Scotland Yard*, Harmondsworth: Penguin Books; and Kelland, G. (1987), *Crime in London: from Postwar Soho to Present-Day Supergrass*, London: Grafton Books.
13. An interesting step in this direction has already been taken by Roach, J. and Thomanek, J. (eds.) (1985), *Police and Public Order in Europe*, London: Croom Helm.
14. See Fijnaut, C. and Hermans, R. (eds.) (1987), *Police Co-Operation in Europe*, Lochem: J.B. van den Brink.
15. It is impossible to support all the comparative comments with references. I recently made a detailed comparison of historical research: see Fijnaut, C. (1985), 'De tegenwoordige ontwikkeling van het historisch onderzoek aangaande het politie-apparaat in het Westen', in J.C.H. Blom, J.R. Eland *et al* (eds.), *Redenen van*

There is no question that British research, seen in a purely quantitative light, heads the list in Europe, together with Dutch research. And it scores high not only in quantity. Research conducted since the 1960s by M. Banton, M. Cain, M. Chatterton, S. Holdaway, J. Young, J. Lea, J. Shapland, and others, into police subculture and relationships between the police, public and society, are among the best studies to have been conducted in Europe in these fields. The studies by M. Banton and M. Cain, in particular, have opened the eyes of many researchers elsewhere in Europe.

Other eye-openers have been studies which do not belong to a specific 'tradition' but which are more autonomous. An example is the brilliant study by R. Reiner on the police trade union organization and his book on policing policy in Britain: *The Politics of the Police*.¹⁶

Also important in Europe - but less important than the numerous historical studies on the German police - is the historical research which has been conducted in Great Britain on the police. It is important not so much from the point of view of scope, but of the socio-historical perspective in which it is set and, obviously, its orientation towards control by the 'new police' of the daily activities of the public. What is unfortunately lacking - despite the work by C. Emsley and others¹⁷ - is research into the relationship between the Home Office and the police in times of social unrest, war, etc., the relationship between the army and the police, cooperation with police on the Continent, and the relationship between the police and the magistrature. Similarly, the role of the English police in the colonisation of, for example, India and Australia could certainly be researched, bearing in mind the growth in worldwide police cooperation between countries.

Despite the numerous publications which have appeared in past years on the jurisdiction of the police in Great Britain and on the authority it possesses, I believe that in countries such as the Federal

wetenschap: opstellen over de politie veertig jaar na het Politiebesluit 1945. Amsterdam: Gouda Quint, 57-89. For the rest, reference to a few bibliographies must suffice. For Germany refer to: Huelke, H.H. and Etzler, H. (1959), *Verbrechen, Polizei, Prozesse: ein Verzeichnis von Büchern und kleineren Schriften in deutscher Sprache*. Wiesbaden: Bundeskriminalamt, 2 vols; Hefele, B. (1979), *Bibliographie Fahndung; eine Auswahlbibliographie der deutschsprachigen Literatur zu Fahndung und Observation von 1908-1979*. Wiesbaden: Bundeskriminalamt. For French literature on the police, consult: le Clère, M. (1980), *Bibliographie Critique de la Police et de son Histoire*. Paris: Editions Yzer; Loubet del Bayle, J.L. (1987), *Guide des Recherches sur la Police*, Toulouse: Presses de l'Institut d'Etudes Politiques de Toulouse. I am currently collaborating with a number of librarians and historians on a reference work on the police in the Netherlands. I analysed the development of research in Belgium in 'Enkele beschouwingen over het politie-sociologisch onderzoek in België', *Panopticon*, 5: (4), (1984), 283-294.

16. Reiner, R. (1978), *The Blue-Coated Worker: a Sociological Study of Police Unionism*. Cambridge: Cambridge University Press; Reiner, R. (1985), *The Politics of the Police*. Brighton: Wheatsheaf Books.
17. Emsley, C. (1983), *Policing and its Context*. London: Macmillan.

Republic of Germany and the Netherlands not only more, but - in my opinion - better research has been conducted on these subjects. Particularly as regards the legal aspects of the complex relationships between the police, the administration of justice and government, and the concrete application of police authority, more consultation between British researchers and those on the Continent would be very valuable.

Finally, I think I may be permitted to say that insufficient attention is paid in British research to developments in the internal organisation of police forces, especially in the field of investigation. However, I have already spent enough time on this last issue.

4. In conclusion

To conclude this commentary, I would like to make two more points. The first is that I have purposely avoided any comparison whatsoever with American police research. Although comparisons of this kind would certainly cast an interesting light on the status of British research - bearing in mind the origins of more recent social scientific research conducted in Great Britain - I have refrained from this for practical reasons because it would have been too time-consuming and too lengthy. The second point is that I would like to make this comparison now, anyway, but in the form of a proposition: is it not high time that a journal be established, focussing on comparative studies of the police services in different countries and on their mutual relationships?